

The Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN FLOYD, JOLENE FURDEK, AND
JONATHAN RYAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,
and APPLE INC., a California corporation,

Defendants.

Case No. 2:22-cv-01599-KKE

**DECLARATION OF BENJAMIN
M. MUNDEL IN SUPPORT OF
DEFENDANTS' MOTION FOR
COSTS AND ATTORNEYS' FEES**

1 I, Benjamin M. Mundel, declare as follows:

2 1. I am a partner at Sidley Austin, LLP (“Sidley”) and counsel for Defendant
3 Amazon.com, Inc. (“Amazon”) in the above-captioned litigation (“Litigation”). I submit this
4 declaration in support of Defendants’ Motion for Attorneys’ Fees and Costs. I have personal
5 knowledge of the matters set forth in this declaration and, if called upon, I could and would
6 competently testify thereto.

7 2. I was personally responsible for overseeing the work relating to the Motion to
8 Compel (Dkt. 104) and Motion for Sanctions seeking an order to show cause (Dkt. 152)
9 (“Motions”), subject to the court’s April 10, 2025, Order (“April 10 Order”). Dkt. 203. I am
10 personally responsible for reviewing time entries detailing the work performed by Sidley on
11 behalf of Amazon in this Litigation.

12 3. **Entitlement to Award of Fees & Costs.** This Court ordered that “Defendants
13 may file a motion for attorney’s fees and expenses necessitated by the filing of the motion to
14 compel and the motion for discovery sanctions, no later than May 2, 2025.” Dkt. 203 at 9. This
15 Declaration, and the attached exhibits, along with Defendants’ Joint Motion for Attorneys’ Fees
16 and Costs, constitute Amazon’s application for an award of its attorneys’ fees and costs in
17 response to the April 10 Order.

18 4. **Total Amount of Attorneys’ Fees & Costs Incurred.** As set forth below, the
19 total Sidley time spent in connection with the Motions for which it seeks fees is 76.2 hours
20 (\$57,896.50) and the total costs are \$1,232.50.

21 a. **Exhibit A** includes data maintained in Sidley’s electronic billing systems,
22 which in turn consists of contemporaneous records of time entries by the
23 attorneys, paralegals, and billable staff who worked on this matter.

24 b. These billing records have been truncated to remove individual billing
25 narratives to remove client confidences, work product, and privileged
26 matters. If the Court deems it necessary to review detailed billing
27

1 narratives for each time entry, I can supplement this application with that
2 detail *in camera* review.

3 c. I attest that the time entries on ***Exhibit A*** accurately reflect my firm's
4 services and the attorney time performed for Amazon on the above-
5 referenced Motions.

6 5. **Individuals Working on the Motions.** The attorneys who primarily worked on
7 the Motions were myself, Mark Hopson, Jacquelyn Fradette, Peter Bruland, Jeremy Rozansky.
8 Paralegal Dexter Pagdilao also provided support for the Motions. The total time devoted by each
9 person is included in ***Exhibit A***.

10 6. **Qualification and Billing Rates.** I am a partner at Sidley Austin, LLP, where I
11 am member of the Antitrust and Commercial Litigation and Disputes practice groups. I am
12 admitted to the District of Columbia and New York bars. I have nearly thirteen years of
13 experience with complex litigation and antitrust matters. Following graduation from Harvard
14 Law School, I clerked for the U.S. Court of Appeals for the Second Circuit.

15 Mark Hopson is a partner of the firm, a fellow of the American College of Trial Lawyers,
16 and has previously been awarded the *National Law Journal's* Defense Verdict of the Year
17 award. Mark graduated summa cum laude from Georgetown University Law Center in 1984 and
18 clerked for the United States District Court for the District of Columbia. He served on Sidley's
19 Management Committee for 13 years and its Executive Committee for 19 years, and formerly
20 co-led Sidley's Global Litigation practice. He is admitted to the District of Columbia bar.

21 Jacquelyn Fradette is a partner in Sidley's Commercial Litigation and Disputes and
22 Consumer Class Actions practice groups. She graduated magna cum laude from the University
23 of Notre Dame Law School in 2014, and afterwards clerked for the Court of Appeals for the
24 Armed Forces. She has 10 years of experience litigating complex commercial disputes and class
25 actions. She is admitted to the District of Columbia and Maryland bars.

1 Peter Bruland is a senior managing associate at Sidley Austin in the Supreme Court,
2 Appellate and Litigation Strategies practice group. He graduated from the University of
3 Cambridge with an LLM in 2016 (achieving first class honours) and Harvard Law School in
4 2017, magna cum laude. He clerked on the United States Court of Appeals for the D.C. Circuit.
5 He recently completed his first oral argument before the Supreme Court of the United States.
6 He is admitted to the District of Columbia and New York bars.

7 Jeremy Rozansky is a managing associate at Sidley Austin in the Regulatory Litigation,
8 Supreme Court, Appellate and Litigation Strategies, and the Telecom and Internet Competition
9 practice groups. He graduated with high honors from the University of Chicago Law School and
10 then clerked on the United States Court of Appeals for the Ninth Circuit and the United States
11 Court of Appeals for the Second Circuit. He is admitted to the District of Columbia bar.

12 Jon Dugan was a managing associate at Sidley Austin until October 2024, when he joined
13 Redgrave LLP as Counsel. Mr. Dugan's qualifications are described in greater detail in his
14 concurrently filed declaration. *See* Dugan Decl. ¶¶ 2-3.

15 Dex Pagdilao is an experienced paralegal at the firm.

16 7. **Reasonableness of Fees.** In my experience, time incurred by Sidley Austin in
17 connection with the motions were reasonable. In addition, Amazon is requesting hourly rates for
18 Sidley attorneys that is reasonable based upon prevailing rates in this District.

- 19 a. I am generally familiar with hourly rates of antitrust attorneys that practice
20 in this area.
- 21 b. In connection with this fee motion, Amazon is requesting an hourly rate
22 for Sidley lawyers based upon the rates regularly charged by Davis Wright
23 Tremaine for work in this District. Fanning Decl. ¶¶ 2-10. These
24 requested hourly rates are a substantial discount from Sidley's standard
25 hourly rates (typically more than a 50% discount). The rates requested
26 have been accepted in this court in connection with motions for fees filed
27 by our co-counsel, Davis Wright Tremaine. *See* Goldmark Decl. ¶ 9.

1 c. The work in connection with the Motions required multiple meet and
2 confers, research, drafting, coordination and argument at two hearings. In
3 an effort to be conservative, however, I have personally reviewed our
4 billing records for the Motions and have pre-emptively removed time
5 entries related to tasks that encompassed more than just the Motions at
6 issue. The result is 76.2 hours of total work, which in my experience, is
7 reasonable for the work involved in the Motions at issue.
8

9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11 Executed on this 2nd day of May, 2025, in Washington, D.C.

12 s/ Benjamin M. Mundel
13 Benjamin M. Mundel
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Exhibit A

Worked Date	Timekeeper	Title	Worked Hours 76.2	Worked Amount \$57,896.50
8/6/2024	Dugan, Jon	Managing Associate	1.4	\$1,015.00
8/6/2024	Mundel, Benjamin M.	Partner	4	\$3,520.00
8/7/2024	Dugan, Jon	Managing Associate	0.3	\$217.50
8/7/2024	Dugan, Jon	Managing Associate	1.5	\$1,087.50
8/7/2024	Mundel, Benjamin M.	Partner	4	\$3,520.00
8/16/2024	Hopson, Mark D.	Partner	0.4	\$380.00
8/16/2024	Rozansky, Jeremy	Managing Associate	0.2	\$132.00
9/20/2024	Bruland, Peter A.	Senior Managing Associate	0.20	\$143.00
9/20/2024	Bruland, Peter A.	Senior Managing Associate	0.40	\$286.00
9/23/2024	Bruland, Peter A.	Senior Managing Associate	1.80	\$1,287.00
9/23/2024	Bruland, Peter A.	Senior Managing Associate	1.60	\$1,144.00
9/24/2024	Bruland, Peter A.	Senior Managing Associate	3.00	\$2,145.00
9/25/2024	Rozansky, Jeremy	Managing Associate	1.10	\$726.00
9/25/2024	Bruland, Peter A.	Senior Managing Associate	10.50	\$7,507.50
9/25/2024	Bruland, Peter A.	Senior Managing Associate	0.70	\$500.50
9/25/2024	Bruland, Peter A.	Senior Managing Associate	1.50	\$1,072.50
9/26/2024	Bruland, Peter A.	Senior Managing Associate	9.60	\$6,864.00
9/27/2024	Bruland, Peter A.	Senior Managing Associate	1.40	\$1,001.00
9/27/2024	Bruland, Peter A.	Senior Managing Associate	0.10	\$71.50
9/27/2024	Mundel, Benjamin M.	Partner	2.00	\$1,760.00
9/30/2024	Bruland, Peter A.	Senior Managing Associate	2.50	\$1,787.50
9/30/2024	Bruland, Peter A.	Senior Managing Associate	0.10	\$71.50
10/2/2024	Bruland, Peter A.	Senior Managing Associate	2.00	\$1,430.00
10/2/2024	Hopson, Mark D.	Partner	1.10	\$1,045.00
10/3/2024	Bruland, Peter A.	Senior Managing Associate	0.30	\$214.50
10/4/2024	Bruland, Peter A.	Senior Managing Associate	0.50	\$357.50
10/4/2024	Bruland, Peter A.	Senior Managing Associate	2.10	\$1,501.50
10/4/2024	Pagdilao, Dexter L.	Paralegal	2.80	\$1,064.00
10/4/2024	Pagdilao, Dexter L.	Paralegal	0.70	\$266.00
10/4/2024	Hopson, Mark D.	Partner	0.90	\$855.00
10/21/2024	Rozansky, Jeremy	Managing Associate	0.20	\$132.00
10/21/2024	Bruland, Peter A.	Senior Managing Associate	0.20	\$143.00
10/21/2024	Hopson, Mark D.	Partner	0.70	\$665.00
10/23/2024	Hopson, Mark D.	Partner	0.20	\$190.00
10/24/2024	Hopson, Mark D.	Partner	0.30	\$285.00
11/5/2024	Mundel, Benjamin M.	Partner	3.00	\$2,640.00
11/18/2024	Fradette, Jacquelyn E.	Partner	0.60	\$498.00
11/19/2024	Fradette, Jacquelyn E.	Partner	0.20	\$166.00
11/22/2024	Bruland, Peter A.	Senior Managing Associate	0.20	\$143.00
11/22/2024	Bruland, Peter A.	Senior Managing Associate	1.50	\$1,072.50
11/24/2024	Bruland, Peter A.	Senior Managing Associate	1.00	\$715.00
11/25/2024	Bruland, Peter A.	Senior Managing Associate	0.20	\$143.00
11/25/2024	Hopson, Mark D.	Partner	1.60	\$1,520.00
11/26/2024	Bruland, Peter A.	Senior Managing Associate	0.10	\$71.50
12/1/2024	Bruland, Peter A.	Senior Managing Associate	0.20	\$143.00
12/2/2024	Fradette, Jacquelyn E.	Partner	1.50	\$1,245.00
12/2/2024	Bruland, Peter A.	Senior Managing Associate	0.20	\$143.00
12/17/2024	Fradette, Jacquelyn E.	Partner	1.00	\$830.00
12/18/2024	Bruland, Peter A.	Senior Managing Associate	0.50	\$357.50
12/22/2024	Fradette, Jacquelyn E.	Partner	0.40	\$332.00
2/6/2025	Hopson, Mark D.	Partner	0.80	\$836.00
3/7/2025	Fradette, Jacquelyn E.	Partner	0.30	\$274.50
3/13/2025	Fradette, Jacquelyn E.	Partner	0.30	\$274.50
3/14/2025	Fradette, Jacquelyn E.	Partner	1.50	\$1,372.50
4/10/2025	Fradette, Jacquelyn E.	Partner	0.80	\$732.00